



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 30, 1995

Mr. Peter G. Smith
Nichols, Jackson, Dillard, Hager &
Smith, L.L.P.
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

OR95-1314

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 36921.

The City of Coppell (the "city"), which you represent, received a request for the "arrest record for Peter Rasmussen arrest made on 10-29-95." You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claimed and have reviewed the documents at issue.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."¹ This section encompasses information protected by other statutes. Section 261.201, recently added to the Family Code by the 74th Legislature, provides, in part:

- (a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

¹The Office of the Attorney General will raise section 552.101 on behalf of a governmental body, but ordinarily will not raise other exceptions. Open Records Decision Nos. 481(1987), 480 (1987), 470 (1987).

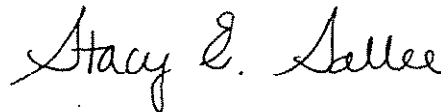
(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Act of May 26, 1995, 74th Leg., R.S., ch. 751, § 93, 1995 Tex. Sess. Law Serv. 3888, 3924 (Vernon). The requested documents appear to relate to the alleged abuse or neglect of a child. We assume that the city has not adopted rules for the disclosure of this information. Therefore, the city must withhold the requested information under section 261.201.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

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²We note that section 261.201(f) may provide the requestor with access to information relating to this investigation maintained by the Texas Department of Protective and Regulatory Services. Section 261.201(f) provides, in part:

[T]he department, on request and subject to department rule, shall provide to the parent, managing conservator, or other legal representative or a child who is the subject of reported abuse or neglect information concerning the reported abuse or neglect that would otherwise be confidential under this section if the department has edited the information to protect the confidentiality of the identity of the person who made the report and any other person whose life or safety may be endangered by the disclosure.

Act of May 26, 1995, 74th Leg., R.S., ch. 751, § 93, 1995 Tex. Sess. Law Serv. 3888, 3924 (Vernon).

Ref.: ID# 36921

Enclosures: Submitted documents

cc: Mr. Peter Rasmussen
800 Lakeview Drive
Coppell, Texas 75019
(w/o enclosures)